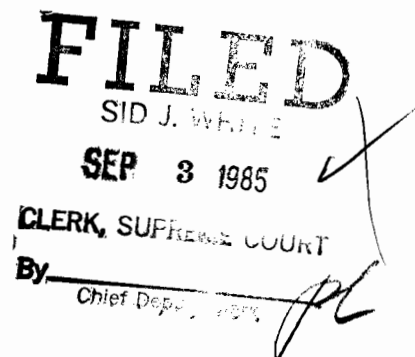


IN THE SUPREME COURT OF FLORIDA
(BEFORE A REFEREE)

CASE NO: 66,574

IN RE: The Petition For Reinstatement
of STEVEN L. BERZNER

REPORT OF REFEREE



I. SUMMARY OF PROCEEDINGS: Pursuant to the undersigned being duly appointed as referee to conduct proceedings herein according to Article XI of the Integration Rule of the Florida Bar, a hearing was held on July 22, 1985. The Pleadings, Notices, Transcripts and Exhibits all of which were forwarded to the Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For the Florida Bar, Jacquelyn Plasner Needelman.

For the Petitioner, Richard R. Kirsch, P.A.

II. FINDINGS OF FACT: After considering all the pleadings and evidence before me, including the Exhibits, testimony of the witnesses, (including depositions offered by stipulation in lieu of live testimony), and the petitioner, I find that the evidence is clear and convincing that the following elements to be proven in a reinstatement proceeding have been proven by substantial and competent evidence:

1. Strict compliance with the disciplinary order;
2. Evidence of unimpeachable character and moral standing in the community;
3. Clear evidence of a good reputation for professional ability;
4. Evidence of lack of malice and ill feeling by the petitioner toward those who by duty were compelled to bring about the disciplinary proceedings;

Requested record

5. Personal assurances supported by corroborating evidence revealing a sense of repentance and desire and intention to conduct himself in an exemplary fashion in the future, In Re: Petition of Dawson, 131 So.2nd 472(Fla 1961).

III. RECOMMENDATION: I recommend that the petition for reinstatement be granted in that the petitioner, Steven L. Berzner is qualified to resume the practice of law and should be reinstated to the practice of law subject to the conditions set forth in the Consent Judgement dated August 24, 1982, which are:

1. The petitioner shall be on probation for two (2) years;
2. The petitioner shall submit quarterly reports from a certified public accountant stating that his trust account records have been reviewed and are in compliance with the Florida Bar Integration Rule; and
3. That a supervising attorney be appointed to supervise the petitioner and that he submit monthly status reports to the supervising attorney.

IV. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED:

The Florida Bar incurred the following costs:

<u>Deposition of James O'Flarity, Esquire</u>	\$140.05
<u>Deposition of Michael J. Carbo, Esquire</u>	139.00
<u>Deposition of Bruce Hollander, Esquire</u>	273.30
<u>Copies of Depositions of Murray Shepard, Merrill Bookstein, Claudia Jordan, Mark Roth, Esquire and Dr. Edwin Kletzel</u>	225.75
<u>Witness Fees</u>	65.60
<u>Notice in Broward Review</u>	148.50
<u>The Florida Bar Investigation</u>	750.00
<u>Attendance of Reporter and Transcript</u>	<u>667.70</u>

Sub-Total	\$2,409.90
Minus deposit paid	<u>500.00</u>
Sub-Total	\$1,909.90

I recommend that costs in the amount of \$ 1,909.90 be taxed against the petitioner.

RENDERED this 27 day of August, 1985, at Miami, Dade County, Florida.


MARY ANN MACKENZIE, REFEREE

I HEREBY CERTIFY that a true and correct copy of the foregoing Report of Referee was furnished to the following; Jacquelyn Plasner Needelman, Bar Counsel, The Florida Bar, 915 Middle River Drive, Fort Lauderdale, Florida 33304 and Richard R. Kirsch, Esquire, 224 S.E. 9th Street, Fort Lauderdale, Florida 33316, by United States mail this 27 day of August, 1985.


MARY ANN MACKENZIE, REFEREE